

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DONALD HOUSE,

Plaintiff,

v. // CIVIL ACTION NO. 1:07cv10
(Judge Keeley)

METAL TRANSPORTATION SYSTEMS, INC.,

Defendant.

ORDER

On August 20, 2007, the Court ordered Donald House to show cause as to why he had not served the Summons and Complaint upon the Defendant within 120 days of filing the Complaint, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

By answer filed September 4, 2007, counsel responded and it appears that good cause exists for counsel's failure to serve the Summons and Complaint upon the Defendant within 120 days of filing the Complaint.

In addition, in the Plaintiff's Response to Order to Show Cause, Plaintiff requests a sixty (60) day extension on the time in which to serve Defendant, to allow Plaintiff time to serve Defendant under a different New York state law. Finding good cause to issue the extension, the Court grants Plaintiff's request for a sixty (60) day extension of time to serve the Summons and Complaint on the defendant. The new deadline for service is now **November 13, 2007**.

It is so **ORDERED**.

ORDER

The Clerk is directed to transmit copies of this Order to counsel of record herein.

DATED: September 12, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE